

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTY SIMS,

Plaintiff,

Case Number: 07-12646

v.

HONORABLE AVERN COHN

RANDY REWERTS, JOSEPH
BARRETT, and DAVID BARLOW,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff, who is represented by counsel, claims that defendants retaliated against him for exercising his constitutional rights. The matter was referred to a magistrate judge for pre-trial proceedings. Defendants filed a motion to dismiss for summary judgment on the grounds that plaintiff failed to exhaust his administrative remedies and fails to make out a claim for retaliation. The magistrate judge issued a report and recommendation (MJRR) recommending that the motion be denied. Neither party has filed objections to the MJRR.

Having reviewed the MJRR, the Court agrees with the magistrate judge that summary judgment is not appropriate. Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Defendants' motion for summary judgment is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 29, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 29, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160